

September 11, 2015

Mr. Darrell Nitschke
Executive Director
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480



RE: Dakota Access LLC
Dakota Access Pipeline Project
Case No. PU-14-842
Our File No. 31-536-001

via E-mail and U.S. Mail

Dear Mr. Nitschke:

Enclosed for filing are 11 copies of the following documents:

1. Dakota Access's Late File Exhibit No. 2 – Analysis of the Hille/Schultz proposed reroute;
2. Dakota Access's Late Filed Exhibit No. 5 – Analysis of the Ferebee proposed reroute;
3. Dakota Access's Late Filed Exhibit No. 7 – Setback Waivers
 - a. Development Company I, LLC dated June 19, 2015
 - b. MRCP 43, LLC dated June 22, 2015
 - c. Bruce Blend dated May 20, 2015
 - d. JD James Wolf dated May 14, 2015
 - e. Andrew Herbert Bednarik dated May 6, 2015
 - f. Jane Lawrence dated May 27, 2015
 - g. Dave Herriot and Rhonda Herriot dated May 26, 2015
 - h. BEI, LLC dated June 19, 2015

i. DLD Properties, LLC dated June 22, 2015

Also enclosed please find an Affidavit of Service by Mail for the above described documents.

Please contact me should you have any questions.

Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in black ink, appearing to read "Blaine T. Johnson", followed by a horizontal line extending to the right.

Blaine T. Johnson

Enc.

cc: Zach Pelham
Derrick Braaten
Bryan Van Grinsven
Bryan L. Giese

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of Dakota
Access LLC for a Certificate of Site
Compatibility and Route Permit for the
Dakota Access Pipeline Project in
Mountrail, Williams, McKenzie, Dunn,
Mercer, Morton and Emmons Counties,
North Dakota

CASE NO. PU-14-842

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NORTH DAKOTA)

)§
COUNTY OF BURLEIGH)

Joann Kleinknecht, being first duly sworn on oath, deposes and says: That she is a citizen of the United States over the age of eighteen years and not a party to, nor interested in, the above entitled action.

That on the 11th day of September, 2015, this affiant did deposit in the United States Post office at Bismarck, North Dakota, a true and correct copy of the following documents:

1. Dakota Access's Late File Exhibit No. 2 – Analysis of the Hille/Schultz proposed reroute;
2. Dakota Access's Late Filed Exhibit No. 5 – Analysis of the Ferebee proposed reroute;
3. Dakota Access's Late Filed Exhibit No. 7 – Setback Waivers
 - a. Development Company I, LLC dated June 19, 2015
 - b. MRCP 43, LLC dated June 22, 2015
 - c. Bruce Blend dated May 20, 2015
 - d. JD James Wolf dated May 14, 2015
 - e. Andrew Herbert Bednarik dated May 6, 2015
 - f. Jane Lawrence dated May 27, 2015
 - g. Dave Herriot and Rhonda Herriot dated May 26, 2015
 - h. BEI, LLC dated June 19, 2015
 - i. DLD Properties, LLC dated June 22, 2015

That the documents with postage prepaid were mailed, directed to the persons to be served at their last known post office address as follows:

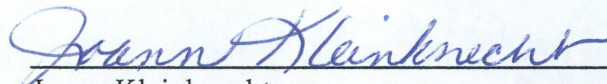
Zachary E. Pelham
Pearce & Durick
314 E. Thayer Ave.
Bismarck, ND 58501

Derrick Braaten
109 North Fourth Street, Ste. 100
Bismarck, ND 58501-4003

Bryan Van Grinsven
Wells Fargo Bk. Center
15 Second Ave. SW #305
PO Box 998
Minot, ND 58702-0998

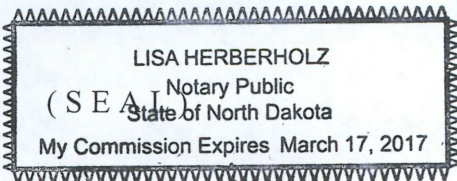
Bryan L. Giese
Attorney at Law
107 First Ave. NW
Mandan, ND 58554-3150

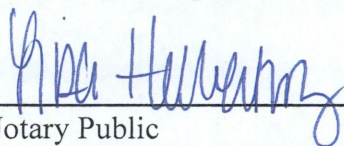
To the best of affiant's knowledge, the address above given is the actual post office address of the party intended to be served.



Joann Kleinknecht

Subscribed and sworn to before me this 11th day of September, 2015.





Notary Public
Burleigh County, North Dakota
My Commission Expires:

Analysis of Schultz & Hille Reroute Request

The following analysis pertains to the route request presented to the North Dakota Public Service Commission ("Commission") and Dakota Access, LLC "DAPL" by John Schultz and Doug Hille in Morton County (the "proposed reroute"). The route request was presented by Mr. Schultz's attorney, Derrick Braaten of Baumstark and Braaten, LP. A map indicating the filed route in comparison to the proposed reroute is attached as Exhibit "A." The proposed reroute is indicated by solid green line. The filed route is indicated in purple. DAPL has not modified the proposed reroute presented by Mr. Schultz and Mr. Hille. The evidence reflects that the filed route is superior to the proposed reroute; however, so that the Commission not merely adopt an alternative route designed by laypersons, it should be understood that the proposed reroute would need significant adjustments to improve the constructability and properly engineer the rerouted segment.

Exhibit "B" offers a comparison of various aspects between the filed route and the proposed reroute. The proposed reroute extends the pipeline by nearly $\frac{3}{4}$ of a mile. Of the 11.10 mile segment of the filed route affected, the filed route is 73% co-located with other utilities. The proposed reroute is only 38% co-located. The proposed reroute increases the amount of pipeline in the 100 year flood plain by 0.19 miles and requires 4 additional river or stream crossings. There are 0.06 miles of additional wetlands affected by the proposed reroute. There are 8 water wells located within 1000 feet of the proposed reroute and none within the filed route. Finally, there is a significant increase in road crossings, with the proposed reroute adding 18 crossings.

Exhibit "C" offers a comparison of specific environmental and cultural resource studies between the two routes. Of note is the fact that the proposed reroute increases the amount of deciduous forest crossed by 0.88 miles, thus requiring the clearing of a significant number of trees.

In addition to the constructability issues described above, the proposed reroute will impact a significant number of new landowners, cause DAPL to lose currently acquired easements along the filed route, and require DAPL to attempt to procure new easements with no certainty of voluntary landowner agreement.

Transference of Impacts to New Landowners

The proposed reroute would impact a total of fourteen landowners and nineteen distinct tracts of land. Exhibit "D" attached identifies all landowners along the proposed reroute, whether such tract is crop producing, and whether DAPL has acquired voluntary easements over the tract. Twelve of the fourteen landowners encompassing seventeen tracts of land would be new landowners impacted as a result of the proposed re-route. The remaining two landowners have previously executed easements with DAPL but would require additional negotiations to amend current agreements. Eleven of the additional landowners would incur impacts to their farming operations as a result of the pipeline construction and future maintenance. In contrast, a majority of DAPL's current proposed route is adjacent to existing encumbrances and generally traverses areas not utilized for farming.

Loss of Currently Acquired Easements

DAPL's filed route in this area includes twelve landowners and twenty-two tracts of land. Exhibit "E" attached identifies all landowners along the filed route, the length of pipeline traversing each tract, and highlights in green those tracts in which easements have already been acquired. Of these current landowners, eight or 66% have executed easements. These acquired easements encompass almost nine miles of right of way or 65% of the current proposed route. Mr. Schultz and Mr. Hille expressed concerns about future access to the current proposed route and cited such concerns as one of the primary reasons for their request for a route change. DAPL has acquired multiple access points to the current proposed route via existing roads and is confident that necessary road access will be acquired to adequately facilitate DAPL's construction, operation, and maintenance of the proposed pipeline.

Acquisition Status of the Current Filed Route

Of the four remaining landowners along DAPL's filed route in this area, three are represented by Baumstark and Braaten, LLP while the remaining landowner is negotiating independently with DAPL. Mr. Schultz's (Schultz Ranch, Ltd.) ownership constitutes 18.69% of the pipeline segment as filed.

In summary, the proposed reroute from Mr. Schultz and Mr. Hille would constitute a substantial transference of impact from landowners along the current DAPL route, a majority of which have executed voluntary easements with DAPL, to twelve additional landowners. Given that a majority of the additional landowners are outside DAPL's survey corridor, DAPL cannot assume that such transference of impact would be unanimously welcomed. In addition, the filed route is superior to the proposed reroute in constructability and minimizes environmental impacts.

EXHIBIT "A"

Hille PSC Reroute 09-10-2015

Thursday, September 10, 2015 11:32 AM



**EXHIBIT B
HILLE PROPOSED REROUTE
Constructability Analysis**

Statistics	DAPL Route	Hille Reroute
Total Overall Route Mileage		
Total 2D Mileage	11.10	11.80
Collocation		
Greenfield (mi)	3.24	4.46
Pipeline (mi)	6.84	0.00
Powerline (mi)	2.14	0.00
Overall Corridor Collocation (%)	73%	38%
Floodplain 100 Year		
Total Mileage	0.24	0.43
NHD Flowline (count)		
Artificial Path	1	1
Stream/River	9	13
Total Crossing Count	10	14
Wetlands		
Crossing Count	1	1
Total Mileage	0.03	0.09
Waterbodies		
Crossing Count	1	1
Structures of Concern		
Ground Water Wells	0	8 (within 1,000 of route)
Transportation Crossing (count)		
Road (Local Road, Rural Road, City Street)	8	18
Road (Private Road)	0	8
Total Crossing Count	8	26

EXHIBIT "C"

Dakota Access Environmental Crossing Analysis for Hille Reroute										
North Dakota PSC										
Filed Route	Within the 1-mile PSC study corridor	Length of Centerline (miles)	Land Cover Type ¹ (miles crossed by centerline)				Wetlands ² (miles crossed by centerline)	Waterbodies ² (number of features crossed by centerline)		
			Cultivated Crops	Deciduous Forest	Developed, Open Space	Grasslands/Herbaceous			Pasture/Hay	Shrub/Scrub
Hille Reroute										
PSC Route	Yes	11.1	1.5	0.1	0.1	8.9	0.5	0	0.03	1
Landowner Proposed	No	11.8	1.6	0.8	0.9	8.3	0.1	0	0.09	1
<i>Net Difference</i>	--	+0.7	+0.1	+0.7	+0.8	-0.6	-0.4	--	+0.06	--

¹ Based on the U.S. Geological Survey National Land Cover Database
² Based on National Wetlands Inventory and National Hydrography Dataset..

Dakota Access Exclusion and Avoidance Criteria Analysis for Hille Reroute										
North Dakota PSC										
Filed Route	Prime Farmlands ^a (miles crossed by centerline)	Irrigated Lands (miles crossed by centerline)	Geologically Unstable Areas ^b	Wetlands ^c (miles crossed by centerline)	Woodlands (miles crossed by centerline)	100 year Floodplain ^d (miles crossed by centerline)	Historic Resources or Landmarks (sites crossed by centerline)	National, State, or County Exclusion Areas (sites crossed by centerline)	T&E/Rare Species Habitat (miles crossed by centerline)	City Limits or Military Installation (sites crossed by centerline)
PSC Route	0	0	Moderate	0.03	0.07	0.2	0	0	0	0
Landowner Proposed	0	0	Moderate	0.09	0.9	0.4	N/A	0	0	0
<i>Net Difference</i>	0	--	--	+0.06	+0.83	+0.2	--	--	--	--

^a All impacts associated with pipeline construction would be temporary, no permanent surface impacts would occur on prime farmlands.
^b Geologically unstable area data from: U.S. Geological Survey Landslide Susceptibility, Low: Low landslide incidence (less than 1.5% of the area is involved), Moderate: Moderate susceptibility to landsliding and low incidence.
^c Based on National Wetlands Inventory
^d 100 year Floodplain data from: Federal Emergency Management Agency 100 Year Flood Zones, N/A: data not available for area.

EXHIBIT D
Schultz & Hille Proposed Reroute: ROW Analysis

<u>Landowner from West to East</u>	<u>Legal Description</u>	<u>Crop Producing Tract</u>	<u>Agreement Executed w/ LO on Current Route</u>
KG3 Land Management, LLP 208 S 8th Street New Salem, ND 58563	T137N-R83W 03: ALL	Yes	No
Lynn Starck and Betty Starck, husband and wife 3605 CO RD 137 New Salem, ND 58563	T137N-R84W 02: ALL less Lots 2-4	No	No
Lynn Starck 3605 County Road 137 New Salem, ND 58563	T137N-R83W 01: ALL	Yes	No
Heart River Hunting Club c/o Joe Ness 861 Munich Dr. Bismarck, ND 58504	T137N-R83W 06: N2N2, SE4NW4, Lots 5, 6, 7	Yes	No
Dog-Tired Ranch, LLP 651 Oberhausen Dr. Bismarck, ND 58504	T137N-R83N 06: S2NE4, E2SW4, SE4	Yes	No
Roger Griffin (1/2), Larry & Janice Griffin Rev Trust (1/2) 4805 27th Ave Mandan, ND 58554	T137N-R83W 05: S2	No	No
Dorlen Kopp 3345 CO Road 137 Mandan, ND 58554	T137N-R83W 04: NE4, S2NW4, S2	Yes	No
Richard & Jean Rask 1612 Porter Ave Bismarck, ND 58501	T137N-R83W03: SW4, W2SE410: N2, SE4	Yes	No
James M. Helbling 4785 CO Road 83 Mandan, ND 58554-8362	T137N-R83W 11: W2	Yes	No
Jerry Rask c/o Gaps 3801 Lockport Street #4 Bismarck, ND 58503	T137N-R83W 14: NW4, SE4	Yes	No
Dennis Carlson 3152 51st St Mandan, ND 58554	T137N-R83W 14: NE4 less Parcel 1, E2SW4 23: NW4 less road, NE4 less road, SW4	Yes	No
Jeanette E. Veitz Trust PO Box 204 Elgin, ND 58533-0204	T137N-R83W 24: NW4 25: NE4	Yes	No
Gary & Melinda Haugen 5010 County Road 83 Mandan, ND 58554	T137N-R83W 24: SW4 less parts	Yes	Yes - Must Be Amended
Ed L. & Penny D. Breuer 5355 34 1/2 Avenue Mandan, ND 58554	T137N-R83W 24: S2SE4	No	Yes - Must Be Amended

EXHIBIT E
FILED ROUTE STATUS

Tract Feature	Owner Info	Tract Length (Rods)
ND-MO-085.000-ROW	Donavon E. Meuchel	204.07
ND-MO-086.000-ROW	Kathleen M. Schmaltz	21.28
ND-MO-087.000-ROW	Robert E. Slavick and Jacquelyn M. Slavick Living Trust, (Trust Agreement dated June 12, 1991	181.16
ND-MO-088.000-ROW	Robert E. Slavick and Jacquelyn M. Slavick Living Trust, (Trust Agreement dated June 12, 1991	166.78
ND-MO-089.508-ROW	Lee Ingalls	143.33
ND-MO-091.000-ROW	Robert E. Slavick and Jacquelyn M. Slavick Living Trust, (Trust Agreement dated June 12, 1991	191.98
ND-MO-092.000-ROW	Robert E. Slavick and Jacquelyn M. Slavick Living Trust, (Trust Agreement dated June 12, 1991	176.83
ND-MO-094.000-ROW	Lee Ingalls	370.19
ND-MO-096.300-ROW	Neal R. Slavick	159.22
ND-MO-096.513-ROW	Shultz Ranch, Ltd.	37.79
ND-MO-097.513-ROW	Shultz Ranch, Ltd.	230.87
ND-MO-099.000-ROW	Shultz Ranch, Ltd.	189.93
ND-MO-100.000-ROW	Shultz Ranch, Ltd.	334.26
ND-MO-103.000-ROW	Ed L. Breuer	165.10
ND-MO-104.000-ROW	Libuse R. Imbrone Trust	162.41
ND-MO-105.000-ROW	Libuse R. Imbrone Trust	161.93
ND-MO-106.000-ROW	Libuse R. Imbrone Trust	160.72
ND-MO-106.300-ROW	Libuse R. Imbrone Trust	Temporary Work Space
ND-MO-107.000-ROW	Gary A. Haugen	319.97
ND-MO-108.000-ROW	Thomas Wesley Johnson	161.59

ND-MO-109.000-ROW	Timothy Lee Johnson and Thomas Wesley Johnson Partnership	161.75
ND-MO-110.000-ROW	Michael A. Gartner	541.88
Total Rods		4,243.03
Total Acquired		2,739.78
Percentage Acquired		64.57%